IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.5979 OF 2005

Ram Pandurang Rane ...Applicant
vs.
State of Maharashtra ...Respondent

Mr.N.N.Gawankar with Mr.Arfan Sait for the Applicant
Mr.K.V.Saste,A.P.P. for State

CORAM: A.S.OKA,J.
DATE : SEPTEMBER 20,2005

P.C.:

1. Heard Advocate for the Applicant and the learned A.P.P. for State. The Applicant is an accused along with others in a case registered for offence punishable under sections 302, 323, 342, 147, 148, 149,506 of the Indian Penal Code read with Sections 3 and 25 of the Arms Act. The Advocate for the Applicant submitted that no specific role has been ascribed to the Applicant in so far as assault on the deceased is concerned. He submitted that except one witness, no one else has deposed anything against the Applicant. He submitted that after completion of the investigation the Applicant is entitled to be enlarged on bail.

2. The learned A.P.P. pointed out that the statement of one Bhalchandra Birade indicates that the Applicant was having a revolver and he threatened the said witness by pressing the revolver above his ear and threatened to kill him. He submitted that the Applicant is not entitled to be enlarged on

bail.

3. Perusal of the statements of various witnesses show that except for witness Bhalchandra, no alleged eye witness has stated that the Applicant was possessing the revolver and that he threatened the witness Bhalchandra by showing the revolver. There is no recovery made at the instance of the applicant. There are no criminal antecedents of the Applicant. Other witnesses have made general allegations against the Applicant and other co-accused Pandurang Rane, Bhaskar Desle, Uday Patil that they gave fist blows to the persons in the car which was being driven by the deceased. One of the witnesses Shantaram stated that he was taken to the house of the Applicant where he was threatened for a period of 20 minutes.

4. It appears that Section 34 of the Indian Penal Code has not been applied. Considering the role ascribed to the Applicant and inconsistency in the version of the witnesses, the Applicant is entitled to be enlarged on bail.

5. Hence I pass the following order :

i) The Applicant shall be enlarged on bail in connection with C.R.No.48 of 2005 registered at Karjat Police Station, Raigad subject to furnishing a personal bond of Rs.15,000/- (Rupees fifteen thousand only) with one or two local sureties in the

like amount.

ii) Bail is granted subject to the condition that till conclusion of the trial the Applicant will report to the concerned Police station once in a fortnight.

iii) The Bail is granted subject to condition that the Applicant shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with prosecution evidence.

iv) The Applicant shall cooperate with the learned Trial Judge for expeditious disposal of the trial. Any attempt by the Applicant to delay the trial may be a ground for cancellation of bail.

v) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

vi) Application is disposed of in above terms.

vii) The parties to act upon an authenticated copy of this order.

JUDGE